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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,343	08/26/2003	Kinya Kamiguchi	03500.017503.	3544
5514	7590	05/03/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			SANTIAGO, MARICELI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2879

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,343

Applicant(s)

KAMIGUCHI, KINYA

Examiner

Mariceli Santiago

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Correction is required. See MPEP § 608.01(b).

Drawings

Figure 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawase (JP 2000-195449).

Regarding claim 9, Kawase discloses an airtight container (Figs. 16A-B) comprising a first substrate (11) in which an electrode (100) is disposed, a second substrate (1) which is opposite the electrode-disposed surface of the first substrate, and a structure (1301) which is bonded to the second substrate (1), and brought into direct or indirect contact with the electrode to supply a potential to the electrode, wherein in the structure, a portion deformed by a lower pressure in an internal space between the first and second substrates than a pressure of an external atmosphere and a portion brought into indirect contact with the electrode are formed by bending one plate¹ member (Fig. 16B, paragraphs [0079-0081]).

Regarding claim 10, Kawase discloses an airtight container comprising a first substrate (11) in which an electrode (100) is disposed, a second substrate (1) which is opposite the electrode-disposed surface of the first substrate, and a structure (1301) which is bonded to the second substrate, and brought into indirect contact with the electrode to supply a potential to the electrode, wherein the structure (1301) is bonded to a surface of the second substrate opposite the first substrate at a through-hole penetrating the second substrate, and the structure has a concave portion (1301, Fig. 16B) which opened at the through-hole to an external atmosphere to an internal space formed between the first and second substrates and closed at the bottom, and portion in which a surface opposite a surface bonded to second substrate is exposed to the external atmosphere as a portion bonded to the surface of the second substrate opposite the first substrate (paragraphs [0079-0081]).

Regarding claims 11 and 12, Kawase discloses an image display apparatus comprising an airtight container and an image display device arranged in the airtight container.

¹ (n.) A smooth, flat, relatively thin, rigid body of uniform thickness

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase (JP 2000-195449).

Regarding claim 1, Kawase discloses a method for manufacturing an airtight container having a space in which a pressure is lower than the outside, between opposing first and second substrates (Figs. 16A-B), comprising steps of assembling the container having the space between the first substrate (11) in which an electrode (100) is disposed on a surface as the space side and the second substrate (1) which has a structure (1301) for supplying a potential to the electrode being opposite each other; and applying a pressure difference between the inside and the outside of the container assembled in the above step (paragraphs [0079-0081]), wherein in the container before the pressure difference application step, the structure is opened to an external atmosphere at a through-hole penetrating the second substrate and closed at the bottom, and the pressure difference is brought in the pressure difference application step to elongate lengths of the structure in direction in which the first and second substrates are opposed, whereby the structure is formed in a shape to enable supplying of a potential to the electrode through the structure. Kawase fails to disclose a structure having a concave portion before the pressure difference application step, instead Kawase discloses a plate-like structure deformed into a concave shape after the pressure difference is applied. However, one skilled in the art would reasonable contemplate the use of alternative shapes and/or contours of the claimed structure as long as the required elasticity of the structure is not

compromised. It has been held that a change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Thus, it would have been obvious to one having ordinary skill in the art to incorporate a concave-shaped structure, since such a modification would have involve a mere change in the shape of a component.

Regarding claim 2, Kawase discloses a for manufacturing an airtight container having a space, in which a pressure is lower than the outside, between opposing first and second substrates, comprising steps of assembling the container having the space between the first substrate (11) in which an electrode (100) is disposed on a surface as the space side and the second substrate (1) which has a structure (1301) for supplying a potential to the electrode being opposite each other; and applying a pressure difference between the inside and the outside of the container assembled in the above step (paragraphs [0079-0081]), wherein in the container before the pressure difference application step, the structure has a surface between a portion bonded to the second substrate and a portion to be brought into indirect contact with the electrode, and the pressure difference is brought between the inside and the outside of the surface in the pressure difference application step to deform the surface, whereby the structure is formed in a shape to enable supplying of a potential to the electrode through the structure (Figs. 16-A-B). Kawase fails to disclose the limitation of the structure surface having a curved shape. However, one skilled in the art would reasonable contemplate the use of alternative shapes and/or contours of the claimed structure as long as the required elasticity of the structure is not compromised. It has been held that a change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Thus, it would have been obvious to one having ordinary skill in the art to

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incorporate a structure with a curved surface, since such a modification would have involve a mere change in the shape and/or contour of a component.

Regarding claims 3 and 4, Kawase discloses a method wherein the portion to be brought into indirect contact with the electrode and the portion to be deformed of the structure are formed by bending one plate member (Fig. 16B).

Regarding claims 5 and 6, Kawase discloses a method wherein the portion to be brought into indirect contact with the electrode, the portion to be deformed, and the portion of the structure bonded to the second substrate are formed by bending one plate member (Fig. 16B).

Regarding claims 7 and 8, Kawase discloses a method for manufacturing an image display apparatus, by implementing the method for manufacturing an airtight container having an image display device inside as previously claimed.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mariceli Santiago
Primary Examiner
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